



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/644,174 Confirmation No. 5715
Applicant : Pope, Susan C.
Filed : August 20, 2003
TC/Art Unit : 3643
Examiner : Nguyen, Son T
For : Lawn Stake With Canine Scent Attractant
Docket No. : 65448.84753

CERTIFICATE OF FIRST CLASS MAILING

Via First Class Mail

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date of Mailing

Signature

Date of Signature

Monty L. Ross, Registration No. 28,899
Attorney for Applicant

Dear Sir:

**DECLARATION OF SUZANNE KNOX
UNDER 37 C.F.R. §1.132**

I, Suzanne Knox, being of legal age and sound mind, hereby declare as follows:

1. I am employed by PETsMART, Inc. as a purchasing agent and have been with the company five years. I have been employed in the pet industry five years.
2. PETsMART, Inc., is the nation's leading retail supplier of products, services and solutions for the lifetime needs of pets. The company operates more than 700 pet

superstores in the United States and Canada as well as a large pet supply catalog business, and the internet's leading pet product website.

2. During 2004 I first became aware of a new pet product marketed by The Bramton Company under the mark "Pee Post." The product is a molded plastic yard stake with a decorative cap, and the plastic contains a substance having a scent that attracts pets, particularly dogs, to a yard area where the stake is inserted into the ground. Because the scent of the Pee Post yard stake encourages marking behavior, dogs are easily trained to eliminate near the stake.
4. As part of my responsibilities for PETsMART, each year I review approximately 2,000 new products that are shown or offered to us by representatives of various manufacturers. I am also generally aware of pet products offered for sale by many of our principal competitors. Except for the Pee Post yard stake made by The Bramton Company, I have never been shown and am not aware of any commercially available yard stake or similar pet product that is intended for use in training a pet to eliminate in a particular outdoor area.
5. The Pee Post yard stake has been well received by our customers, and our sales of the product during the past year make it one of our best-selling new products. Based upon my considerable experience in this industry, it is clear to me that Bramton's Pee Post yard stake is a commercially successful product and is meeting a longstanding need that was not previously being met by any other commercially available product of which I am aware.

Nothing further.

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and may jeopardize the validity of the application or any patent issuing thereon.

Suzanne Kort, Declarant

Date: 4/7/05



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

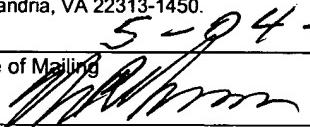
Serial No. : 10/644,174 Confirmation No. 5715
Applicant : Pope, Susan C.
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TC/Art Unit : 3643
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For : Lawn Stake With Canine Scent Attractant
Docket No. : 65448.84753

CERTIFICATE OF FIRST CLASS MAILING

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5-04-2005
Date of Mailing


Signature

5-04-2005
Date of Signature

Monty L. Ross, Registration No. 28,899
Attorney for Applicant

Dear Sir:

**SECOND DECLARATION OF SUSAN CRAWFORD POPE
UNDER 37 C.F.R. §1.132**

I, Susan Crawford Pope, being of legal age and sound mind, hereby declare as follows:

1. I am the sole inventor named in the above-identified patent application. I am employed by The Bramton Company, a Texas corporation and the assignee of the subject application.

2. I have read and am familiar with the examiner's action for the subject application that was mailed January 4, 2005, and I understand that claims 1-16 and 18-22 as

presented are rejected as reciting an invention that is obvious under 35 U.S.C. §103(a).

3. The Bramton Company markets the treated yard stake as recited in the claims of the subject application under the trademarks "Pee Post" and "Simple Solution."
4. Attached as Exhibit A to this declaration are eleven pages printed from an internet Google Search done on March 9, 2005, using the phrase "Pee Post" as the search term. As the search results show, my invention was being actively marketed or touted by others as of that date on at least the following web sites:

nationalpetsupply.com
ultimateanimals.co.uk
pawshop.com
amazon.com
thatpetplace.com
petplanet.co.uk
todaysdog.com
shop.store.yahoo.com
jbpet.com
doolittles.com
canineconcepts.com
shop.petsmart.com
queenswood.co.uk
lambriarvetsupply.com
bizrate.com
hexie.com
allpetsconsidered.com
petcompany.co.uk
highbeam.com
esmartcat.com

edirectory.co.uk
findarticles.com
nextag.com
localcolorart.com
stores.ebay.com
petfoodstore.co.uk
petfooddirect.com
erinsedge.zoovy.com
pet-dog-cat-supply-store.com
lamp-post.co.uk
shopping.msn.com
leisure-time.com
nationalpetpharmacy.com
petproductnews.com
pheromone.bumerang.ro
ourworldmag.com
9news.com
globalpaw.com
appma.org
dogs-dogs-dogs-dogs.co.uk
jefferspet.com

It will be apparent upon review of Exhibit A that some items have been redacted. No item was redacted that related to any product said to be useful for inducing pets to eliminate in a desired area.

5. The widespread attention and commercial success that the treated yard stake of the invention has received since its commercial introduction are indicative of both the long-felt need for such a product and the enthusiastic response of pet-knowledgeable consumers to the solution provided by my invention. This

outstanding response has not been created by exceptional or extraordinary promotional efforts or by extensive advertising, and is instead attributable to the appeal and efficacy of the claimed product.

Nothing further.

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and may jeopardize the validity of the application or any patent issuing thereon.

Susan Crawford Pope
Susan Crawford Pope, Declarant

Date: 7/6/05



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"Pee Post"

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Web

Results 1 - 10 of about 8,670 for "**Pee Post**". (0.07 seconds)

[Pee Post by Simple Solution at National Pet Supply - Order Online ...](#)

The Simple Solution **Pee Post** is a pheromone treated yard stake that was designed to help train puppies/dogs to eliminate in a specific area of your yard.

www.nationalpetsupply.com/pee_post.html - 15k - [Cached](#) - [Similar pages](#)

Sponsored Links

[Pee Post](#)

Compare prices on **Pee Post**
Search over 200,000 stores!
Yahoo.com

[Pee Post](#)

Great deals on **Pee Post**
Shop on eBay and Save!
www.eBay.com

["Pee Post" Yard Stake](#)

For Dogs (1 stake)
Home and Garden at PriceGrabber
www.pricegrabber.com

[Puppy Training Pads & Dog Pee Post](#)

Puppy Training Pads,Simple Solution,Dog **Pee Post** ... The dog **pee post** also aids in housebreaking your dog or puppy. Guidance for use and training are ...

www.ultimateanimals.co.uk/acatalog/puppy_training_pads.html - 21k - [Cached](#) - [Similar pages](#)

[Dog Stop Distraction Alarm & Dog Pee Post](#)

Dog Stop Distraction Alarm and Dog Stop refills,Dog **Pee Post**,
www.ultimateanimals.co.uk/acatalog/

dogstop_dog_distraction_alarm_dog_peepost.html - 21k - [Cached](#) - [Similar pages](#)

[Pee Post Pheromone Yard Stake for Dog Potty Training](#)

... **Pee Post** Pheromone Yard Stake for Dog Potty Training Easy-to-use **Pee Post™** provides a simple solution to training pets where to go in your yard. ...
www.pawshop.com/peepophyastf.html - 4k - [Cached](#) - [Similar pages](#)

[The Bramton Company](#)

... Q: Do you place the Simple Solution® **Pee Post™** where you want the pet to go? ... The Simple Solution® **Pee Post™** can be placed at a location in your yard ...
www.bramton.com/products_us/faqs/faq-peepost.htm - 8k - Mar 7, 2005 - [Cached](#) - [Similar pages](#)

[The Bramton Company](#)

... The Simple Solution® **Pee Post™** encourages pets to eliminate in a specific area of your yard. It helps maintain your lawn, makes clean-up easier, ...
www.bramton.com/products_us/peepost.htm - 4k - [Cached](#) - [Similar pages](#)

[Amazon.com: Kitchen & Housewares: Pee Post Pheromone-Treated Yard ...](#)

Pee Post Pheromone-Treated Yard Stake. ... and training your pets to eliminate in a specific area of your yard with the Simple Solution **Pee Post**. ...
www.amazon.com/exec/obidos/tg/detail/-/B0002ZS0W8?v=glance - 36k - [Cached](#) - [Similar pages](#)

[Pee Post Pheromone Treated Yard Stake \(Bramton\)](#)

... **Pee Post** Pheromone Treated Yard Stake (Bramton) Item Number: BT0042 The **Pee Post** is an ingenious training tool! Stick it in your lawn and your dog will ...
www.thatpetplace.com/.../KW/D63/Class/Dog+Supplies+Waste+Disposal/T1/D63+0968+0042/EDP/43036/Itemdy00.aspx - 45k - [Cached](#) - [Similar pages](#)

[Simple Solution Pee Post Dog Training Aids UK Pets](#)

Simple Solution **Pee Post** Dogs Dog Training Aids. ... Simply hammer the **Pee Post** 4-5"

EXHIBIT A

into the ground and then introduce your dog to the post, preferably at ...
www.petplanet.co.uk/shop_store/ Simple_Solution_Pee_Post_p4003.html - 12k -
[Cached](#) - [Similar pages](#)

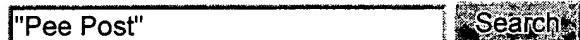
Today's Dog.com: Pee Post

... and water. is not harmful for the pet to lick the Simple Solution® **Pee Post™**. The ingredient used to treat the Simple Solution® **Pee Post™** is non-toxic. ...
www.todaysdog.com/shop/ Scripts/prodView.asp?idproduct=156 - 18k -
[Cached](#) - [Similar pages](#)

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"Pee Post"

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Results 11 - 20 of about 8,670 for "Pee Post". (0.21 seconds)

[Bramton Simple Solution Pee Post™ Pheromone-Treated Yard Stake](#)

... Click to enlarge pad Bramton Simple Solution **Pee Post™ Pheromone-Treated Yard Stake** Simple Solution **Pee Post™ Pheromone-Treated Yard Stake** is a training ...

shop.store.yahoo.com/pet-guys/-010279130000.html - 6k -

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Yahoo.com

[Pee Post](#)

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Shop on eBay and Save!
www.eBay.com

["Pee Post" Yard Stake](#)

For Dogs (1 stake)
Home and Garden at PriceGrabber
www.pricegrabber.com

[JB Wholesale Pet Supplies-\[Product|125-0116\] Pee Post](#)

<p>The Simple Solution **Pee Post** is a pheromone treated yard stake that encourages pets to eliminate in a specific area of your ...

www.jbpet.com/shopping/SanitationHB/products/125-0116/ - 29k -

[Cached](#) - [Similar pages](#)

[Chateau-Animaux Pet Supplies Pee Post](#)

Pee Post Pheromone-Treated Yard Stake Trains Pets Where to Urinate.

www.doolittles.com/product-product_id/1306 - 34k -

[Cached](#) - [Similar pages](#)

[Pee Post - www.canineconcepts.co.uk](#)

Buy **Pee Post** online at www.canineconcepts.co.uk. The **Pee Post** is an innovation from 'Simple Solution' and trains your dog to eliminate in a specific area.

www.canineconcepts.co.uk/item-Pee-Post-peapost - 25k - [Cached](#) - [Similar pages](#)

[PETsMART - Clean Up - Simple Solution Pee Post](#)

... The **Pee Post** is a pheromone-treated plastic yard stake that you install in the area of the yard where you want your pet to go. Spray and yard stake each ...

shop.petmart.com/product/2534374302026164/

2534374302026164/845524441781015.htm - 35k - [Cached](#) - [Similar pages](#)

[Queenswood Garden Products Pets 'Its A Hard Life'](#)

... The **Pee Post** Train your dog to pee in one spot in the garden with the help of ... Using the **Pee Post** speeds house training and can make the process less ...

www.queenswood.co.uk/acatalog/Queenswood_Online_Pets_Its_A_Hard_Life_401.html

- 23k - [Cached](#) - [Similar pages](#)

[Pee Post](#)

Trains pets where to urinate. The Simple Solution **Pee Post** encourages pets to urinate in a specific area of your yard. Helps maintain your lawn, ...

lambriarvetsupply.com/sbsite.php?&item=010BRA02-PP - 23k - [Cached](#) - [Similar pages](#)

[Outright Dogs at BizRate - Compare Prices and Store Ratings](#)

... Larger Image, Bramton Outright "Pee Post" Yard Stake for Dogs. The Simple Solution **Pee Post** encourages pets to eliminate in a specific area of your yard ...

www.bizrate.com/buy/products__att259-317661-cat_id-31000300.html - 61k -

[Cached](#) - [Similar pages](#)

[Bramton Outright "Pee Post" Yard Stake for Dogs - PetFoodDirect](#)

Bramton Outright "Pee Post" Yard Stake for Dogs. ... The Simple Solution **Pee Post**

encourages pets to eliminate in a specific area of your yard. ...

www.petfooddirect.com/store/product_detail.asp?pf_id=20414124&dept_id=449&brand_id=335&Page=1 - 27k - [Cached](#) - [Similar pages](#)

[和谐宠物网www.hexie.com](http://www.hexie.com/shop/showGoods1.php?id=750) - [[Translate this page](#)]

... 亲宝舒的**Pee Post**训厕棒鼓励宠物在您花园的指定区域进行排泄，保护您的草地，使得清洁更容易，特别针对没有良好室内排泄习惯的宠物。 ...

www.hexie.com/shop/showGoods1.php?id=750 - 24k - [Cached](#) - [Similar pages](#)



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Pet Supplies and Pet Gifts. Superior Dog Supplies, Cat Supplies ...

... Train your dog exactly where to urinate with the **Pee Post!** ... Dog training tip: Hammer the **Pee Post** into the ground when your dog is inside,

...
[www.allpetsconsidered.com/xq/aspx/pID.6760/
 id.1/catid.9/subid.131/page./qx/productdetails.htm](http://www.allpetsconsidered.com/xq/aspx/pID.6760/id.1/catid.9/subid.131/page./qx/productdetails.htm) - 96k -
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 Shop on eBay and Save!
www.eBay.com

"Pee Post" Yard Stake

For Dogs (1 stake)
 Home and Garden at PriceGrabber
www.pricegrabber.com

Pet Company Training

... **PEE POST, PEE POST** A unique Pheromone-treated stake, which encourage dogs ... aids you should encourage the dog when it performs next to the **pee post** ...

[www.petcompany.co.uk/acatalog/ Online_Catalogue_Training_82.html](http://www.petcompany.co.uk/acatalog/Online_Catalogue_Training_82.html) - 67k - [Cached](#) - [Similar pages](#)

Brand Packaging : Treated yard stake has rover wagging his tail ...

Brand Packaging : Treated yard stake has rover wagging his tail. (Brampton Co. offers Simple Solutions **Pee Post**) (Brief Article) @ HighBeam Research.
static.highbeam.com/b/brandpackaging/april012004/treatedyardstakehasroverwagginghistailbramptoncoof/ - 16k - [Cached](#) - [Similar pages](#)

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... The **Pee Post** is a pheromone-treated. yard stake that is designed attract. your dog to "go" where you want. him to "go". The idea builds on ...
www.esmartcat.com/news/Pet_Product_Review_2004.pdf - [Similar pages](#)

edirectory - Pets - Dogs - Training - eDirectory.co.uk - Training

... **Pee Post** For Dogs - Buy online at eDirectory secure shopping mall ... Simply hammer the **Pee Post** 4-5 into the ground and then introduce your dog to the ...
www.edirectory.co.uk/pf/static/880/ca11373p1.html - 101k - [Cached](#) - [Similar pages](#)

Dog Supplies Waste Disposal

... **Pee Post** Pheromone Treated Yard Stake (Bramton), **Pee Post** Pheromone Treated Yard Stake (Bramton), **Pee Post** Pheromone Treated Yard Stake (Bramton), \$7.99 ...
www.thatpetplace.com/Products/KW/D63/
PgNo/1/Class/Dog+Supplies+Waste+Disposal/Shopay00.aspx - 79k -
[Cached](#) - [Similar pages](#)

Simple Solution Training Products at National Pet Supply

... Simple Solution **Pee Post** - uses natural pheromones to encourage your pet to eliminate in one area of your yard! Learn More... Only \$9.49 ...
www.nationalpetsupply.com/simple_solution.html - 11k - [Cached](#) - [Similar pages](#)

[Brand Packaging: Treated yard stake has rover wagging his tail ...](#)

... Brampton Co. offers Simple Solutions **Pee Post**(Brief Article)' from Brand Packaging, a publication in the field of Business & Finance, ...
www.findarticles.com/p/articles/mi_hb037/is_200404/ai_hbm1G1117187877 - 15k -
[Cached](#) - [Similar pages](#)

[Training Accessories - compare prices, reviews and buy at NexTag ...](#)

... Bramton Simple Solution **Pee Post** Pheromone-Treated Yard Stake. Simple Solution **Pee Post** Pheromone-Treated Yard Stake is a training device that teaches ...
www.nextag.com/Bramton_Training_Accessories~2702016zBramtonz0zB36ozmainz5.htm
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"Pee Post" Yard Stake

For Dogs (1 stake)
 Home and Garden at PriceGrabber
 www.pricegrabber.com

Training Aids Catalogs Online

... Pet Care - Dog Supplies - Dog Training Aids - Bramton Outright "Pee Post". Bramton Outright "Pee Post" Yard Stake for Dogs (1 stake) ...
www.localcolorart.com/shopping/catalogs/Pet_Care/Dog_Supplies/Training_Aids/ - 99k -
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eBay Store - a KPETS discount store: DOG train deter:

a KPETS discount store: DOG train deter - **PEE POST**.. trains dogs where TO GO ..CASE of 6, PUPPY training PAD ECONOMY box of 100 pads,
 DOG DIAPER simple ...
stores.ebay.com/a-KPETS-discount-store._DOG-train-deter_W0QQcolZ2QQdirZQ2d1QQftidZ2QQtZkm - 82k -
[Cached](#) - [Similar pages](#)

Marshalls Pet Food Store Ltd. Other Training products

... Simple Solution **Pee Post**, Simple Solution **Pee Post** The **PEE POST** is a unique and patented product to encourage dogs and bitches to use one area as a ...
www.petfoodstore.co.uk/acatalog/_Other_Training_products.html - 18k -
[Cached](#) - [Similar pages](#)

Outdoor Dog Products - PetFoodDirect

... Bramton Outright Bramton Outright "Pee Post" Yard Stake for Dogs more... The Simple Solution **Pee Post** encourages pets to eliminate in a specific area of ...
www.petfooddirect.com/store/dept.asp?dept_id=68 - 45k - [Cached](#) - [Similar pages](#)
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Dog Training Aids UK Pets

... Simple Solution **Pee Post** An end to burnt lawns and bushes. £5.99, Simple Solution **Pee Post**. Add To Basket More Info ...
www.petplanet.co.uk/category.asp?dept_id=17&page_id=5 - 46k - Mar 7, 2005 -
[Cached](#) - [Similar pages](#)
 [More results from www.petplanet.co.uk]

JB Wholesale Pet Supplies-[Category] Yard Tools

... The Simple Solution **Pee Post** is a pheromone treated yard stake that encourages pets to eliminate in a specific area of your yard. ...
www.jbpet.com/shopping/categories/HTOYard/1/ - 35k - [Cached](#) - [Similar pages](#)

Erin's Edge Labradors, Supplements, and Supply Unique Products

... The **Pee Post** is a pheromone-treated plastic yard stake that you install in the area of the yard where you want your pet to go. ...
erinsedge.zoovy.com/category/uniqueproducts/ - 111k - [Cached](#) - [Similar pages](#)

Lawn Dog Urine Stain Removers, Discount Pet Supplies

... Simple Solution **Pee Post™** Pheromone-Treated Yard Stake is a training device that teaches your pet to urinate in a specific area of your yard. ...

www.pet-dog-cat-supply-store.com/shop/lawn-care.php - 73k - Mar 7, 2005 -
Cached - Similar pages

Lamp-Post Pet Supplies: Dogs, Training

... The **Pee Post** is a unique and patented product to encourage dogs and bitches to use one area as a toilet. Price: £5.99 ...

www.lamp-post.co.uk/products.php?cat=31 - 61k - Cached - Similar pages



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"Pee Post"

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Web

Results 51 - 60 of about 8,670 for "Pee Post". (0.08 seconds)

Dog Cleaning & Odor Control

... Simple Solution **Pee Post**. by Simple Solution. Pheromone-based training aids encourage dogs to urinate in a specific spot. Spray and yard stake each sold ...
shopping.msn.com/marketplace.aspx?pmpType=1&mpld=0&pclid=7964&catId=372&page=2 - 33k - [Cached](#) - [Similar pages](#)

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Pee Post

Compare prices on **Pee Post**
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Pee Post

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www.eBay.com

"Pee Post" Yard Stake

For Dogs (1 stake)
 Home and Garden at PriceGrabber
www.pricegrabber.com

The Brampton Co.

... 16 OZ Minimum Order = 1 EA 8.93 Click to Buy BRA13000 **PEE POST**
 PHEROMONE STAKE Minimum Order = 1 EA 6.74 Click to Buy
 BRA20122 SIMPLE SOL CARPET SHAMPOO ...
www.leisure-time.com/bra.htm - 8k - [Cached](#) - [Similar pages](#)

Dog Accessories - NationalPetPharmacy.com

... Details. Bramton Outright "Pee Post" Yard Stake for Dogs. Package: 1 stake. Bramton Pet Hair and Lint Remover Sponge. \$6.17. Quantity:.. Details ...
nationalpetpharmacy.com/store/dept.asp?dept_id=12 - 51k - [Cached](#) - [Similar pages](#)

Pet Product News - PetProductNews.com - The news and product ...

... s **Pee Post**. Dawn Tolonen and Joe Bussing of Marineland, Marineland's SeaGarden Anemones. Dan Engmark, holding award, Jerry Ritzow, ...
www.petproductnews.com/ppn/detail.aspx?aid=17568&sts=all&gobtn=&cid=3924 - 40k - [Cached](#) - [Similar pages](#)

pheromone wholesale androstenone pheromone concentrate to the ...

... 125-0116, **Pee Post**. The Simple Solution **Pee Post** is a pheromone treated yard stake that encourages pets to eliminate in a specific area of your yard. ...
pheromone.bumerang.ro/39079.html - 14k - [Cached](#) - [Similar pages](#)

Go Train Items

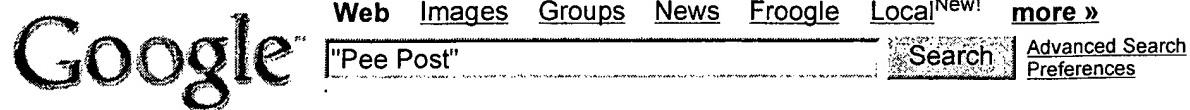
... **PEE POST**.... trains dogs where TO GO \$7.32. Fisher Price Geo Trax Mix n Go train w/ Remote Control, \$9.99. LET'S GO Kid PLANES, TRAINS, ...
www.ourworldmag.com/gotrain.html - 7k - [Cached](#) - [Similar pages](#)

Today's Dog.com: House Breaking Aids

... **Pee Post™** Our Price: \$8.99. Simple Solution® Stain Removing Wipes. Simple Solution® Stain Removing Wipes Our Price: \$6.99. NO IMAGE ...
www.todaysdog.com/shop/ Scripts/prodList.asp?idCategory=52 - 23k - [Cached](#) - [Similar pages](#)
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Training

... Bramton Simple Solution **Pee Post™** Pheromone-Treated Yard Stake. pad, Bramton Simple Solution **Pee Post™** Pheromone-Treated Yard Stake ...

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